

The Law Offices of Johnine J. Brown
836 West Ancona Street
Chicago, IL 60622
312/829-0754 FAX -0758

April 7, 2004

EPA Region 5 Records Ctr.



264416

BY FACSIMILE TO 312/886-7160

Thomas Krueger, Esq.
U.S. Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3590

Re: The Ellsworth Industrial Park Superfund Site
Bison Gear Property (Flowserve), 2424 Wisconsin Ave., Downers Grove

Dear Mr. Krueger:

These are my comments on the consent form:

It should be clear that all these actions will be taken at the sole expense of U.S. EPA and the State of Illinois, or at least not at the consentor's expense. There has to be a time limit on the "continued access" provision; it cannot go on forever. The access has to be "reasonable" and not interfere with the owner's and tenant's use of the property. It is the agency's responsibility to protect workers doing the investigation. I'm not sure what the coordination of timing means; what is the agency's usual practice: 24 hours' notice? The agency needs to insure us or indemnify us, or both, against harm to people or property caused by its activities. I assume the agency carries liability insurance; the consentor should be an insured party. The agency needs to restore the property to the condition in which it existed prior to the investigation. There needs to be a way for the consentor to terminate the agreement.

You have no doubt resolved these issues before, but if not, Mr. Caron and I will be happy to provide language.

Very truly yours,

Johnine J. Brown

cc: Michael Caron, Esq., FAX 847/945-8812